

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	CRIMINAL NO. 01-129
v.	:	DATE FILED: _____
FRANK BARRINGTON	:	VIOLATION: 18 U.S.C. § 924(a)(1)(A)
a/k/a Kevin Dow		(False statements - 18 counts)
a/k/a Darrell Drayton	:	18 U.S.C. § 3146(a)(1)
		(Failure to appear - 1 count)

SUPERSEDING INDICTMENT

COUNTS ONE THROUGH EIGHTEEN

THE GRAND JURY CHARGES THAT:

AT ALL TIMES MATERIAL TO THIS INDICTMENT:

1. Bob's Gun Shop, 314 Bristol Pike, Croydon, Pennsylvania,
possessed a federal firearms license [FFL] and was authorized to deal in firearms and
ammunition under federal law.

2. The rules and regulations governing FFL holders required that a person
seeking to purchase a handgun fill out a "Firearms Transaction Record," ATF Form 4473. Part
of the Form 4473 required that the prospective purchaser certify truthfully, among other things,
to his or her true name and address, and that he or she was the actual buyer of the firearm. The
Form 4473 contained language warning that "[t]he federal firearms laws require that the
individual filling out this form must be buying the firearm for himself or as a gift. Any
individual who is not buying the firearm for himself/herself or as a gift, but who completes this
form, violates the law."

3. FFL holders were required to maintain a record, in the form of a completed Form 4473, of the identity of the actual buyer of firearms sold by the FFL holders.

4. Between July 2000 and January 2001, defendant FRANK BARRINGTON, a/k/a Kevin Dow, a/k/a Darrell Drayton, acted as a “straw” purchaser of 31 semi-automatic firearms for others known and unknown to the grand jury.

5. Between July 2000 and January 2001, defendant FRANK BARRINGTON, a/k/a Kevin Dow, a/k/a Darrell Drayton, purchased 31 semi-automatic firearms in the name of Darrell Drayton falsely representing that he was Darrell Drayton and knowing that Darrell Drayton was not his true name.

6. On or about the dates specified below, at Croydon, in the Eastern District of Pennsylvania, defendant

FRANK BARRINGTON,
a/k/a Kevin Dow,
a/k/a Darrell Drayton,

knowingly made false statements and representations with respect to the information required to be kept in the records of a federally licensed firearms dealer in connection with the acquisition of the firearms listed below from Bob’s Gun Shop, 314 Bristol Pike, Croydon, Pennsylvania, in that defendant FRANK BARRINGTON, a/k/a Kevin Dow, a/k/a Darrell Drayton, falsely represented his name, falsely represented his address, and falsely represented that he was the actual buyer of the firearm, when, in fact, the defendant knew these representations to be false:

COUNT	PURCHASE DATE	FIREARM(S) PURCHASED
1	7-6-00	Jennings J-38 .380 caliber semi-automatic pistol, serial # 1224001

2	7-7-00	Jennings J-25 .25 caliber semi-automatic pistol, serial # 1216616
3	7-8-00	Lorcin L-380-B .380 caliber semi-automatic pistol, serial # 55138
4	7-20-00	Beretta 21A .25 caliber semi-automatic pistol, serial # BAS14225V
5	7-21-00	Feather Industries AT-22 .22 caliber semi-automatic rifle, serial # B5475
6	8-7-00	Keltec P-11 9 mm. caliber semi-automatic pistol, serial # 74731; and a Jennings J-38 .380 caliber semi-automatic pistol, serial # 1228504
7	8-24-00	Keltec P-11 9 mm. caliber semi-automatic pistol, serial # 91510
8	9-28-00	Keltec P-11 9 mm. caliber semi-automatic pistol, serial # 94289; and a Jennings J-38 .380 caliber semi-automatic pistol, serial # 1290224
9	10-2-00	Keltec P-40 .40 caliber semi-automatic pistol, serial # 75506
10	10-6-00	Keltec P-11 9 mm. caliber semi-automatic pistol, serial # 095061; and a Keltec P-11 9 mm. caliber semi-automatic pistol, serial # 095050
11	10-7-00	Cobray —11 9 mm. caliber semi-automatic pistol, serial # 940001727
12	11-2-00	Jennings J-38 .380 caliber semi-automatic pistol, serial # 1290484; and a Keltec P-11 9 mm. caliber semi-automatic pistol, serial # 94591
13	11-14-00	Jennings J-38 .380 caliber semi-automatic pistol, serial # 1290775; Jennings J-38 .380 caliber semi-automatic pistol, serial # 1290776; and a Republic Arms Patriot .45 caliber semi-automatic pistol, serial # M002367

14	11-18-00	Intratec AB-10 9 mm. semi-automatic pistol, serial # A057352; Lorcin L-380-B .380 caliber semi-automatic pistol, serial # 551386; and a Jennings Nine 9 mm. semi-automatic pistol, serial # 1383448
15	12-5-00	Jennings Nine 9 mm. semi-automatic pistol, serial # 1437445
16	12-15-00	Republic Arms Patriot .45 caliber semi-automatic pistol, serial # M002392
17	1-29-01	Republic Arms Patriot .45 caliber semi-automatic pistol, serial # M002705; Standard Arms SA-9 9 mm. caliber semi-automatic pistol, serial # 05024; Jennings 38 .380 caliber semi-automatic pistol, serial # 340111; and a Keltec P-40 .40 caliber semi-automatic pistol, serial # 98872
18	1-30-01	Taurus 8.5 .38 special revolver, serial # PD61099; Republic Arms Patriot .45 caliber semi-automatic pistol, serial # M002642; and a Jennings Nine 9 mm. caliber semi-automatic pistol, serial # 1444728

In violation of Title 18, United States Code, Section 924(a)(1)(A).

COUNT NINETEEN

THE GRAND JURY FURTHER CHARGES THAT:

On or about February 16, 2001, at Philadelphia, in the Eastern District of
Pennsylvania, defendant

FRANK BARRINGTON,
a/k/a Kevin Dow,
a/k/a Darrell Drayton,

having been released pursuant to the bail provisions of Title 18, United States Code, Section 3142(c), in connection with a felony charge punishable by imprisonment for a term of 5 years or more, did knowingly fail to appear before a court as required by the conditions of release, that is, failed to appear at the United States Courthouse in Philadelphia, for a probable cause hearing before a United States Magistrate Judge on February 16, 2001 as required.

In violation of Title 18, United States Code, Sections 3146(a)(1) and 3146(b)(1)(A)(ii).

NOTICE OF FORFEITURE

1. As a result of the violations of Title 18, United States Code, Section 924(a)(1), set forth in Counts One through Eighteen of this Indictment, defendant

FRANK BARRINGTON,
a/k/a Kevin Dow,
a/k/a Darrell Drayton,

shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 924(d) and Title 28, United States Code, Section 2461(c), all firearms and ammunition involved in the commission of these offenses, including, but not limited to:

- (a) Jennings J-38 .380 caliber semi-automatic pistol, serial # 1224001;
- (b) Jennings J-25 .25 caliber semi-automatic pistol, serial # 1216616;
- (c) Lorcin L-380-B .380 caliber semi-automatic pistol, serial # 55138;
- (d) Beretta 21A .25 caliber semi-automatic pistol, serial # BAS14225V;
- (e) Feather Industries AT-22 .22 caliber semi-automatic rifle, serial # B5475;
- (f) Keltec P-11 9 mm. caliber semi-automatic pistol, serial # 74731;
- (g) Jennings J-38 .380 caliber semi-automatic pistol, serial # 1228504;
- (h) Keltec P-11 9 mm. caliber semi-automatic pistol, serial # 91510;
- (i) Keltec P-11 9 mm. caliber semi-automatic pistol, serial # 94289;
- (j) Jennings J-38 .380 caliber semi-automatic pistol, serial # 1290224;
- (k) Keltec P-40 .40 caliber semi-automatic pistol, serial # 75506;
- (l) Keltec P-11 9 mm. caliber semi-automatic pistol, serial # 095061;
- (m) Keltec P-11 9 mm. caliber semi-automatic pistol, serial # 095050;

- (n) Cobray —11 9 mm. caliber semi-automatic pistol, serial # 940001727;
- (o) Jennings J-38 .380 caliber semi-automatic pistol, serial # 1290484;
- (p) Keltec P-11 9 mm. caliber semi-automatic pistol, serial # 94591;
- (q) Jennings J-38 .380 caliber semi-automatic pistol, serial # 1290775;
- (r) Jennings J-38 .380 caliber semi-automatic pistol, serial # 1290776;
- (s) Republic Arms Patriot .45 caliber semi-automatic pistol, serial #
M002367;
- (t) Intratec AB-10 9 mm. semi-automatic pistol, serial # A057352;
- (u) Lorcin L-380-B .380 caliber semi-automatic pistol, serial # 551386;
- (v) Jennings Nine 9 mm. semi-automatic pistol, serial # 1383448;
- (w) Jennings Nine 9 mm. semi-automatic pistol, serial # 1437445;
- (x) Republic Arms Patriot .45 caliber semi-automatic pistol, serial #
M002392;
- (y) Republic Arms Patriot .45 caliber semi-automatic pistol, serial #
M002705;
- (z) Standard Arms SA-9 9 mm. caliber semi-automatic pistol, serial # 05024;
- (aa) Jennings 38 .380 caliber semi-automatic pistol, serial # 340111;
- (bb) Keltec P-40 .40 caliber semi-automatic pistol, serial # 98872;
- (cc) Taurus 8.5 .38 special revolver, serial # PD61099;

(dd) Republic Arms Patriot .45 caliber semi-automatic pistol, serial #
M002642; and

(ee) Jennings Nine 9 mm. caliber semi-automatic pistol, serial # 1444728.

All pursuant to Title 28, United States Code, Section 2461(c) and Title 18, United States
Code, Section 924(d).

A TRUE BILL:

FOREPERSON

PATRICK L. MEEHAN
United States Attorney